

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRAIG GOULET

Plaintiff,

v.

NEW PENN MOTOR EXPRESS

Defendant

and

TEAMSTERS LOCAL 25

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

Defendant,

CIVIL ACTION
NO. 04-12577-WGY

DEFENDANT, TEAMSTERS LOCAL 25'S MOTION IN LIMINE

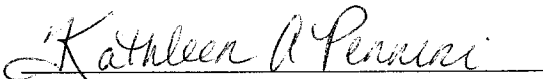
The Defendant, Teamsters Local 25 (hereinafter, "Local 25"), hereby moves this Court for an order in *limine* to preclude Plaintiff's counsel from referring in any way, either during examination of witnesses or during closing statements, to the circumstances pertaining to the departure from employment with Local 25 of William Carnes or George Cashman in April or May of 2003. In support of this motion, Local 25 states as follows:

1. Pursuant to Fed.R.Evid. 401, "evidence is probative if it has the tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."

2. The reason for Mr. Cashman's and Mr. Carnes' resignations as officers of Local 25 is irrelevant under Fed.R.Evid 401 and is not material to any of the issues involved in a determination of this action.
3. Drawing the attention of the jury to the circumstances or reasons why Mr. Carnes and Mr. Cashman left the employment of Local 25 may tend to unfairly prejudice the jury in this matter.
4. The prejudicial impact of the circumstances surrounding Mr. Carnes' and Mr. Cashman's leaving employment with Local 25 far outweighs any probative value that it could have.

Accordingly, the Defendant, Local 25 requests that the Plaintiff be precluded from referring to the reasons or circumstances pertaining to Mr. Cashman and Mr. Carnes departure from employment in all stages of this proceeding, including, but not limited to, jury instructions, opening and closing statements, all testimony and the introduction of all evidence.

For the Defendant,
**INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, LOCAL UNION NO.
25,**
By its attorneys,


Matthew E. Dwyer (B.B.O. # 139840)
Kathleen A. Pennini (B.B.O. # 654573)
Dwyer, Duddy and Facklam, P.C.
Two Center Plaza, Suite 430
Boston, MA 02108-1804
(617) 723-9777

Date: June 20, 2006

CERTIFICATE OF SERVICE

I, Kathleen A. Pennini, do hereby certify I have electronically filed this motion on June 20, 2006, with electronic and hand-delivery to:

Scott Lathrop, Esq.
Scott A. Lathrop & Associates
122 Old Ayer Road
Groton, MA 01450

Carl H. Gluek, Esq.
Frantz Ward, LLP
55 Public Square Building, 19th Floor
Cleveland, OH 44113-1999


Kathleen A. Pennini

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